

03/09/2001

13:42

MARSH FISCHMANN BREYFOGLE LLP → 17033086916

NO. 447

D04

## **EXHIBIT A**

Attorney: OFDAGI

Date: December 29, 2000

 Patent Matter     Trademark MatterPTO Stamp indicates receipt of:  
Application Docket No.: 41880-01280

Applicant: HAMPDEN-SMITH et al.

Title or Mark: "CATHODOLUMINESCENT PHOSPHOR POWDERS, METHODS  
FOR MAKING PHOSPHOR POWDERS AND DEVICES  
INCORPORATING SAME"

Serial/Reg. No.:

Filed/Issued Date: December 29, 2000

 Certificate of Mailing Express Mail No.: EL702181980US Check for 5

108 No. of Pages in Specification

No. of Pages in Claims

No. of Pages in Abstract

35 No. of Sheets of Drawings

## LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

1. Utility Patent Application Transmittal (3 pgs)
2. First Preliminary Amendment (2 pgs)
3. Declaration (7 pgs)
4. Patent Application (143)

JC808 U.S. PTO  
09/751341

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MARSH FISCHMANN & BREYFOGLE, LLP  
3151 SOUTH VAUGHN WAY, SUITE 411  
AURORA, CO 80014

ATTN: Lisa Lawrence

2000 OREGON AVENUE • WILMINGTON, DELAWARE 19801-1211

## **EXHIBIT B**



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/751,341	12/29/2000	Mark J. Hampden-Smith	41890-01280

CONFIRMATION NO. 7916

FORMALITIES LETTER



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MARSH FISCHMANN & BREYFOGLE LLP  
Suite 411  
3151 S. Vaughn Way  
Aurora, CO 80014

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Date Mailed: 01/26/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

***Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.138(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1014.
  - \$774 for 43 total claims over 20.
  - \$240 for 3 independent claims over 3.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1854.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Page(s) 78,82,85,99 of the specification (description and claims).
- Figure(s) 6,7 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(l))) with evidence of such deposit must be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the PTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.84 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.138(a) OR (b)**. In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice **MUST** be returned with the reply.*

*de lau*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

# **EXHIBIT C**

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Hampden-Smith et al.

Serial No.: 09/751,341

Filed: December 29, 2000

Atty. File No.: 41890-01280

For: "CATHODOLUMINESCENT  
PHOSPHOR POWDERS, METHODS FOR  
MAKING PHOSPHOR POWDERS AND  
DEVICES INCORPORATING SAME"

) **AFFIDAVIT IN SUPPORT OF PETITION**  
 ) **PURSUANT TO 37 CFR 1.181**

CERTIFICATE OF FACSIMILE TRANSMISSION	
I HEREBY CERTIFICATE THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO 703-308-6916 TO THE PATENT AND TRADEMARK OFFICE ON <u>March 9, 2001</u>	
MARSH FISCHMANN & BREYFOGLE LLP	
 Theresa L. Vanderhoof	

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attn: Office of Petitions

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MAR 09 2001

Dear Sir:

PETITIONS OFFICE

I, David Dockery, do depose and say:

1. That I am a registered patent attorney in good standing with the United States Patent And Trademark Office and have primary responsibility for the above identified patent application;
2. That on December 29, 2000, I filed the above-identified application and just prior to placing the application in the Express Mail envelope, I personally counted the number of pages of the specification and the drawings, and determined that the specification included 108 pages of text with an additional 35 pages of drawings;
3. That I routinely use the foregoing procedure of counting the pages just prior to submission of a patent application;
4. That these numbers were accurately reflected on the Utility Patent Application Transmittal (Large Entity) and the Postcard Receipt.

5. That the application, as submitted, included pages 78, 82, 85, and 99 of the specification;
6. That the application, as submitted, included Figures 6 and 7;
7. That after filing the application with the United States Patent and Trademark Office, the Postcard Receipt was date stamped by the United States Patent and Trademark Office and returned; and
8. That the date stamped Postcard Receipt did not reflect any additions, corrections, or modifications.

Dated this 9th day of March, 2001.



David F. Dockery  
Registration No. 34,323  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(303) 338-0997

308 6916

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\*\*\* RX REPORT \*\*\*  
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**Marsh Fischmann & Breyfogle LLP****Attorneys at Law**

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**Date:** March 9, 2001

**FAX RECEIVED**

**To:** United States Patent and Trademark Office

MAR 09 2001

**Attention:** Petition Department

PETITIONS OFFICE

**Facsimile No.:** 703-308-6916

**Verification No.:**

**Client No.:** 41890-01280

**From:** DAVID F. DOCKERY

**Message:**

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Number of pages following this cover sheet: 10

If you need a confirmation or any of the pages sent again, please call our office at the following number: 303-338-0997. If you do not call within 15 minutes, we will assume you have received the pages satisfactorily. SENT BY: DAVID F. DOCKERY

**CONFIDENTIALITY NOTE:** The information contained in this facsimile transmittal sheet and document(s) that follow are for the exclusive use of the addressee and may contain confidential, privileged and non-disclosable information. If the recipient of this facsimile is not the addressee, or a person responsible for delivering this facsimile to the addressee, such recipient is strictly prohibited from reading, photocopying, distributing or otherwise using this facsimile transmission, or its contents, in any way. If the recipient has received this facsimile transmission in error, please call us immediately and return the facsimile transmission to us via the United States Postal Service. Thank you.